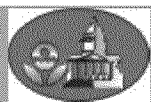


Editor Information



Award Conditions

Award Condition Information

Short Title: C9 - State Nonpoint Source

Type: Programmatic

Owner: EPA R10

Media:

Program:

Group:

Award Condition Text

CWA 319 Nonpoint Source Program Conditions:

1. Grants Reporting and Tracking System (GRTS)

The recipient shall enter all mandated data elements into the Grants Reporting and Tracking System (GRTS) for Nonpoint Source (NPS) projects funded under Section 319 of the Clean Water Act, according to deadlines specified by EPA.

2. STORET Data Reporting

The recipient agrees to enter water quality monitoring data, for data collected in a waterbody pursuant to the implementation of a Section 319 project, into EPA's "storage and retrieval" (STORET) data system. All water quality data generated with Section 319 funding, either directly or by sub-award, are required to be transmitted into the STORET data warehouse using either the Water Quality Exchange (WQX) or WQXweb.

3. Watershed-based Plans

Under the Section 319 guidelines, use of Section 319 "watershed project" funds requires that a watershed-based plan which includes all of the information in elements (a)-(i) as described in the Section 319 grant guidelines, or an acceptable alternative plan be completed prior to implementation of on-the-ground projects. The recipient shall ensure a watershed-based plan or acceptable alternative plan is completed prior to beginning to implement any on-the ground project with Section 319 watershed project funds.

Upon request by EPA, the recipient shall provide a copy of any watershed-based plan or acceptable alternative plan funded under Section 319 as well as any available information regarding the status of implementation activities and results, including but not limited to any reports on BMP's implemented; Section 319 funds expended; contributions of funds by other sources to assist in implementation of the watershed-based plans (to the extent this information is readily available to the State); results achieved; and other relevant and appropriate information.

4. Operation and Maintenance

The recipient will assure the continued proper operation and maintenance of all nonpoint source management practices that have been implemented for projects funded under this agreement. Such practices shall be operated and maintained for the expected lifespan of the specific practice and in accordance with commonly accepted standards. The recipient shall include a provision in every applicable sub-agreement (subgrant or contract) awarded under this grant requiring that the management practices for the project be properly operated and maintained. Likewise, the sub-agreement will assure that similar provisions are include in any sub-agreements that are awarded by the sub-recipient.

5. Maintenance of Effort/Required Non-Federal Match

State expenditures for NPS implementation activities must meet the maintenance of effort (MOE) level required under Section 319(h)(9) of the Clean Water Act. A 40% non-federal program match is also required. The state should assure that the MOE and match requirements have been satisfied and report this through the final Federal Financial Report (FFR) at the end of the budget period.

6. Limitation on Administrative Costs

In accordance with Section 319(h)(12) of the Clean Water Act, administrative costs in the form of salaries, overhead, or indirect costs shall not exceed in any fiscal year 10 percent of the amount of the grant except that costs of implementing enforcement and regulatory activities, education, training, technical assistance, demonstration projects, and technology transfer programs shall not be subject to this limitation.

7. Obligation and Outlay of Funds

In accordance with Section 319(h)(6) of the Clean Water Act, the recipient will show commitment to expend the funds awarded in this grant and to complete the funded projects in accordance with its EPA approved Nonpoint Source management program and the approved work plan. The recipient will award all proposed contracts, subgrants and interagency agreements within one year after grant award.

8. Permits

The recipient agrees to ensure that all necessary permits (such as Clean Water Act Section 404) are obtained prior to implementation of any grant funded activity that may fall under applicable federal, state or local laws. The subgrantee's project implementation plan must identify permits that may be needed to complete work plan activities. The recipient must keep documentation regarding necessary permits in the project file. EPA approval of a workplan does not imply nor guarantee that a federal, state, or local permit will be issued for a particular activity.

9. Participation in Regional and National Meeting

The recipient must draft and submit to EPA all applicable NPS Program Success Stories which highlight projects resulting in the restoration of waterbodies.

10. TMDLs Developed Under Section 319 Grant

For each Section 319-funded TMDL, the recipient will provide the following supplemental information to support that load allocations specified in the TMDL: (1) an identification of total NPS existing loads and total NPS load reductions necessary to meet water quality standards, by source type; (2) a detailed identification of the causes and sources of NPS pollution by source type to be addressed in order to achieve the load reductions specified in the TMDL (e.g., acres of various row crops, number and size of animal feedlots, acres and density of residential areas); and (3) an analysis of the NPS management measures by source type expected to be implemented to achieve the necessary load reductions, with the recognition that adaptive management may be necessary during implementation.

11. Reporting Requirements

The recipient agrees to comply with all reporting requirements required by EPA regulation (2 CFR 200 and 40 CFR Part 35), Section 319(h)(10) and (11) of the Clean Water Act, and the Nonpoint Source Program and Grants Guidelines for States and Territories. Failure to comply with the above referenced reporting requirements may result in a disruption of grantee funding and/or early termination of the grant agreement in accordance with 2 CFR 200.338.

12. Annual Nonpoint Source (NPS) Program Report

The recipient agrees to provide information required under Section 319(h)(11) of the Clean Water Act for the purpose of annual reporting on progress under the State's NPS management program. The Section 319 Annual Program Report will be due October 1 of each year or another date mutually agreed upon between the EPA Project Officer and the recipient, so that a clear understanding of progress can be achieved between the two parties.

At minimum, the report shall contain a summary of progress, including rationale/evidence, in meeting the schedule of milestones in the approved management program and reductions in NPS pollutant loading and improvements in water quality that has resulted from implementation of the NPS management program. Failure to submit the annual NPS program report may affect the recipient's eligibility for future Section 319 grant funding.

13. Substantial Involvement (If Applicable)

Substantial Federal involvement with the recipient is anticipated during the performance of the cooperative agreement. This Federal involvement may include:

- a. Monitoring by EPA of the recipient's performance.
- b. Consultation and collaboration on technical matters that will help the recipient carry out the agreement effectively.
- c. EPA's prior review and approval of project phases if developed and the substantive terms of the proposed subawards the recipient enters into to carry out specific elements of the scope of work.

14. Recognition of EPA Funding

Reports, documents, and signage developed as part of projects funded by this assistance agreement shall contain the following statement:

"This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement (number) to (recipient). The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use."

NOTE TO GS: Ensure you pick/upload the following programmatic conditions if PO did not upload:

- FEM 2012-02 Competency Policy,
 - Annual Performance Report,
 - Final Report,
 - Quality Assurance,
 - Geospatial (if FR B15 is answered "YES")
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